Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at http://about.jstor.org/participate-jstor/individuals/early-journal-content.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

INDEX.

LEADING ARTICLES IN VOLUME IX.

PAGE

CONTRACTS LIMITING CARRIERS LIABILITY IN VIRGINIA.—*Wm. H. Werth,* 73

DANIEL ON NEGOTIABLE INSTRUMENTS—A REPLY TO CRITICISM IN HARVARD LAW REVIEW.—*Hon. John W. Daniel* 851

DUE PROCESS OF LAW AND THE TORRENS SYSTEM.—*D. C. O'Flaherty.* 85

HON. H. S. K. MORISON—Sketch of (with portrait)—*H. J. Ayres.* 763

LEGAL TITLE IN CASE OF SATISFIED TRUST IN VIRGINIA.—*Gordon Paxton,* 1

MECHANICS' LIENS IN VIRGINIA—*John Garland Pollard* 369

MILL ACTS, THE—*Abram Staples* 265

MODIFICATION OF SUPPLY-LIEN ACT AS AGAINST MINING AND MANUFACTURING COMPANIES 685

MR. JEFFERSON AND CHIEF JUSTICE MARSHALL 689

RECORDATION AND ACKNOWLEDGMENTS.—*John Garland Pollard* 935

STATUTORY SUPPLY AND LABOR LIENS—*Leon Goodman* 177

SUBSEQUENT BIRTH OF CHILDREN AS REVOCATION OF WILL.—*Marvin H. Altizer.* 473, 579

SUGGESTED CHANGES IN PRACTICE. 1035

TRIAL OF GUITEAU 1023

WOUND IN ONE STATE, DEATH IN ANOTHER—*Raleigh C. Minor* 591

TABLE OF CASES REPORTED IN FULL IN VOLUME IX.

ALLEN, MARSHAL v. CLARK (*U. S. Circuit Court of Appeals*) 694

ALLISON v. ALLISON 278

AMERICAN HIDE ETC. CO. v. CHALKLEY* 199

BAKER v. WATTS 508

BALTIMORE DENTAL ASSOCIATION v. FULLER 389

BARE v. WILLIAMS* 633

BASHAW v. WALLACE 611

BEECHER v. FOSTER* (*Supreme Court West Virginia*) 14

BELL v. JONES (*Corporation Court Lynchburg*) 1070

BERKELEY & HARRISON v. GREEN* 977

BISSELL v. HOOD 218

BRETT v. DONOGHE 615

BRISTOL ETC. RY. CO. v. BULLOCK ETC. CO 425

*Annotated.

PAGE

BURCHELL v. N. & W. RY. CO.* (*Circuit Court Henry County*) 734
CITY OF CHARLOTTESVILLE v. STRATTON* 864
CITY OF DANVILLE v. HATCHER 331
CITY OF NORFOLK v. FLYNN 222
CITY OF RICHMOND v. GALLEGO MILLS CO 797
CITY OF RICHMOND v. SITTERDING 41
CLARK v. LARREMORE* (*United States Supreme Court*) 10
CLINE v. WESTERN ASSURANCE CO 317
COMMONWEALTH v. KING (*Richmond Hustings Court*) 653
DANVILLE ETC. v. HODNETT 46
DARDEN, PILOT v. THOMPSON, MASTER 395
DAVIS v. DAVIS 133
DECKERT v. CHESAPEAKE ETC. CO 701
DINNING v. DINNING* 1065
FISHER v. S. A. L. RAILWAY CO 969
FULLERSON v. TAYLOR 947
FUNKHOUSER v. SPAHR* 954
GAY v. SOUTHERN RAILWAY CO 205
GEIL v. GEIL* 530
GINTER v. SHELTON* 812
GOLD v. PAYNTER 501
GREY v. RUMRILL 310
HEADRICK v. MCDOWELL 818
HERRING v. C. & W. RAILWAY CO 535
HOLLADAY v. WILLIS 138
HONAKER v. DUFF* 488
JACKSON W. GILES v. BOARD OF REGISTRARS (*U. S. Supreme Court*) 93
JOHNSON v. CODLEY 234
KESTERSON v. HILL 605
KEISTER v. CUBINE* 597
LEONARD v. ST. JOHN 644
LIBERTY SAVINGS BANK v. OTTERVIEW LAND CO.* (*Circuit Court Bedford County* 903
LITTON v. COMMONWEALTH 435
LUSK v. PELTER* 636
MCALLISTER v. HARMAN 115
MARTIN v. COLUMBIAN PAPER CO 499
MARTIN v. RICHMOND ETC. R. CO 194
MATHEWS v. GLENN* (*Chancery Court of Richmond*) 546
MILLER ETC. v. CITY OF NEWPORT NEWS 210
MILLHISER ETC. CO. v. GALLEGO MILLS CO 144
MOSS v. HARWOOD* 1042
NEWBERRY v. RUFFIN* 869
NEWPORT NEWS ETC. CO. v. LAKE 23
NORFOLK ETC. TERMINAL CO. v. MORRISS* 228
N. & W. RAILWAY CO. v. CROMER 429
N. & W. RAILWAY CO. v. FULTON, JUDGE* (*Circuit Court Wythe County*) 241

PAGE

N. & W. R. Co. v. HAWKES 1060
N. & W. RAILWAY Co. v. PERROW 31
PARSONS v. MAURY 342
PARLETT v. DUNN* 1053
PATTERSON v. BINGHAM 37
PERRY v. ELLIOTT 513
PLUNKETT v. BRYANT 708
PRICE v. CROZIER 419
RADFORD ETC. LAND CO. v. COWAN 393
REED v. GOLD* 784
RICHMOND PASSENGER ETC. CO. v. RACKS 325
RICHMOND ETC. RAILROAD CO. v. MARTIN* 891
RICHMOND TRACTION CO. v. MARTIN 807
ROANOKE CEMETERY CO. v. GOODWIN 383
ROBINETT v. MITCHELL 601
ROLLINS v. SCOTT* (*Circuit Court Kanawha County, West Virginia*) 771
SANGER v. C. & O. RAILWAY CO* 881
SAVINGS BANK ETC. CO. v. POWHATTAN CLAY ETC. CO* 898
SEABOARD ETC. R. CO. v. HICKEY* 1048
SCHRECKHISE v. WISEMAN 722
SHUFFLEBARGER v. BLANCHARD 517
SOUTHERN EXPRESS CO. v. GOLDBERG 406
SOUTHERN RAILWAY CO. v. HALL* 780
STONY CREEK ETC. CO. v. FIELDS 727
STREET v. N. & W. RAILWAY CO 593
SUN LIFE ETC. CO. v. BAILEY* 187
TAYLOR v. COMMONWEALTH 381
TAYROR v. FORBES 412
THOMS v. FRANKLIN* 660
UNION ETC. SOCIETY OF LONDON v. NALLS 402
VIRGINIA ETC. CO. v. KEYSTONE ETC. CO 523
VIRGINIA ETC. INSURANCE CO. v. RICHMOND MICA CO* 981
VIRGINIA PASSENGER ETC. CO. v. SOLOMON* (*County Court Henrico County*) .. 557
WHITE v. SAYERS* 714
YOUNG v. COMMONWEALTH* 618
YOUNG v. HART* 540

TABLE OF CASES DIGESTED IN VOLUME IX.

PAGE

Adams v. City of Roanoke 908
Big Stone Gap Iron Co. v. Ketron 906
Carson Lime Co. v. Rutherford 993
City of Newport News v. Brown 909

PAGE
City of Norfolk v. Griffith etc. Co 910
Consumer's Brewing Co. v. Doyle 1078
Dooley v. City of Bristol 994
Ellinger v. Commonwealth 909
Fidelity and Deposit Co. v. Beale 999
Hancock v. White Hall etc. Co 994
Hicks v. C. & O. Ry. Co 913
House v. House 994
Jennings v. Taylor 912
Johnston & Cheek v. Green 1078
N. & W. R. Co. v. Wade 912
Northington v. Norfolk etc. Co 1079
Persinger v. Alleghany etc. Co 992
Preston v. Davis 910
Rau v. Shaver 907
Rhule v. S. A. L. Ry. Co 963
Richmond Iron etc. Co. v. Chesterfield etc. Co 1078
Richmond Traction Co. v. Williams 996
Riverside Cotton Mills v. Lanier 910
Slaughter v. Danner 997
Smith v. Moore 997
Tench v. Gray 995
Tompkins v. Deyerle 995
Turner v. Barraud 992
Washington etc. B. & L. Co. v. Wendling 996
White Hall Co. v. Hall 998
Wick v. Scull 998
Venable v. Stamper 906
Zircle v. Sou. R. Co 907

GENERAL INDEX TO VOLUME IX.

PAGE
ACKNOWLEDGMENTS.
See "Deeds."
ACTS OF ASSEMBLY (*Construed*).
Acts 1901-2, p. 362—supply liens 685
Acts 1891-2, p. 793—defective acknowledgments 665
Acts 1897-8, p. 38—adopted children 1070
Acts 1897-8, p. 16—stock—subscriptions 501, 784, 796
Acts 1897-8, p. 313, 279—fencing railroad track 881, 890
Acts 1899-1900—married women 530, 533, 665, 666, 778
Acts 1899-1900, p. 838—appeals from justices 653
Acts 1899-1900, p. 1147—local assessments 908

ACTS OF ASSEMBLY—*Continued.* PAGE
Acts 1899-1900, p. 1234—delinquent lands..... 546, 554
Acts 1899-1900, p. 1240—married women.....540, 545
Acts 1901-2, p. 147—notaries public..... 605
Acts 1901-2, p. 326—insolvent corporations..... 393
Acts 1902 (July)—grand juries..... 435
Acts 1902-3, p. 518—sales of merchandise in bulk.....682, 750
Acts 1903, p. —— supply liens..... 685

ACCIDENT INSURANCE.
Double indemnity—" passenger."..... 169
Physical examination—misconduct of agent—weight of evidence..... 171

ACTIONS FOR PERSONAL INJURIES.
Action for assault—counter claim for injuries..... 61
Infants—suit by parent for injury to child—imputed negligence..... 927
Suit by father for death of child..... 891
See " Compromise."

ACTIONS.
Non-resident alien's right to maintain..... 827

ADMISSION TO THE BAR.
Recent examination at Wytheville..... 259
Bar examination at Richmond January 8, 1904..... 836

ADOPTED CHILDREN.
Status before court in issue of *devisavit vel non*.....1070

ADVERSE POSSESSION.
Evidence—reputed claim of ownership.....636, 644

ALTERATION OF WRITTEN INSTRUMENTS.
Burden of proof..... 611

APPEAL AND ERROR.
Amount in controversy—aggregate damages.....881, 888
Amount in controversy—interest..... 534
Amount in controversy—separate decrees against devisees..... 997
Amount in controversy—several legatees claiming against executor..... 812
Appointment of receiver—Code, section 3454..... 701
Appointment of receiver—federal courts—review on appeal.....1012
Commissioner's report—conflicting evidence—rule of decision..... 999
Conflicting evidence—rule of decision..... 910
Conflicting evidence—verdict—railroad fires..... 31
Death of judgment creditor—right of debtor to appeal..... 864
Demurrer not noticed by decree of trial court—overruled..... 898
Demurrer to evidence—motion for new trial—excessive damages..... 963
Evidence to support judgment—married women—personal judgment... 540
Judgment by court without jury—rule of decision on appeal..... 194
Judgment by trial court without jury.....310, 342, 424
Juries in criminal cases—selection apparently regular—inference by appellate court..... 435
Jurisdictional amount under new constitution..... 577

APPEAL AND ERROR—*Continued.* PAGE
Order of examination of witnesses—rule of decision on appeal..... 228
Petition—assignment of errors..... 31
Quorum of court—rehearing..... 954
Quorum of court of appeals under new constitution—Code, sec. 3485..826, 960
Refusal of appeal in chancery cause—effect..... 508
Second appeal—dismissal without prejudice—*res judicata*.....869, 879
Setting aside of verdict on appeal—conflicting evidence..... 228
Two trials—rule of decision.....1079

ASSIGNMENT FOR BENEFIT OF CREDITORS.
Sale by assignee—puffing by creditors—effect on sale—creditor's liability..... 923

ATTACHMENTS.
Action for breach of promise..... 250

ATTORNEY AND CLIENT.
Action for fees—evidence..... 465
Agreement for fees in divorce proceedings.....1085
Compensation—case at bar..... 342
Contingent fees..... 841
Contingent fee—prosecution of error.....1006

AUTOMOBILES.
Degree of care required of operator..... 255

BAILOR AND BAILEE.
Bath-houses..... 353
Warehouse receipt—evidence of title—effect of pledge or transfer..144, 166

BANKS AND BANKING.
Bankrupt depositor—set off of claim against..... 922
Effect of deposit of check in bank.....1006
Funds deposited in name of third party.....1005
Insolvent national bank—liability of stockholder selling stock..... 457
See "National Banks."

BANKRUPTCY.
Bankruptcy act—four month clause—lien of execution creditor.....10, 14
Banks—depositors—set-offs—preferences..... 922
Building and loan associations..... 831
Composition—claim of leased personal property..... 64
Discharge—fraud—fiduciary debts..... 457
Preference—unrecorded chattel mortgage—avoidance—date of transfer 829

BASTARDY.
Settlement of prosecution—duress..... 64

BELL, LEWIS G.
In memoriam..... 348

BELLINGER, PETER.
Legal draughtsman..... 468

BILLS AND NOTES.
Alteration—liability of surety—*stare decisis*..... 574
See "Negotiable Instruments."

BOOK REVIEWS. PAGE
Cooley's Constitutional Limitations 761
Cyclopedia of Law and Procedure—Vols. 7, 8, 9 and 10..472, 780, 848, 932
Eaton on Commercial Paper 70
Flanders' Life of John Marshall 1022
Gardner on Wills 760
Office Boy's Digest 1098
Morse on Banks and Banking 1022
Ranchhoddas on Torts 1097
Reeves on Real Property 1096
Reinhard on Agency 70
Taylor on Landlord and Tenant 932
Tiffany on Principal and Agent 472
Wellman on Art of Cross-examination 761

BREACH OF PROMISE.
Attachment in action for 250

BROKERS.
Commissions—discharge—effect 925

CEMETERY COMPANIES.
Rules and regulations—rights of lot owners 383
Supervision of courts over 384

CHANCERY JURISDICTION.
Appointment of receivers—federal practice—review on appeal 1012
Bill by life tenant to construe will—matters within issue 992
Deed in consideration of support—breach by death of grantee 597, 600
Elementary grounds of jurisdiction where adequate remedy at law exists 247
Fraudulent use of corporate name—injunction 1005
Injunction against enforcement of invalid law 754
Injunction against strikers 251
Injunction against ticket brokers 671
Injunction to prevent disclosure of trade secret 570
Liquidating trustees—remedy against for failure of duty 701
Partition suit—adverse possession—ejectment—all matters tried by consent 636
Partition—possession by surviving husband—suit by heir 708
Quieting title—undocketed judgments 998
Right to vote—enforcement 93
Unpaid stock subscriptions—Acts 1897-8, p. 16 ..... 784, 796

CHANCERY PRACTICE.
Bill charging fraud—demurrer 517
Bill for partition and to ascertain liens on one share—Code, sec. 2562.. 419
Bill to enforce lien on land—parties—heirs and representatives of grantee 412
Commencement of suits 356
Commissioner's report—confirmation without passing on exceptions.... 218
Commissioner's report—findings of fact—conflicting evidence 636

CHANCERY PRACTICE—*Continued.* PAGE
Commissioner's report—weight—conflicting evidence 218
Creditor's bill—decree for account 998
Cross bill—necessary parties 15
Deed in consideration of support—breach by death of grantee 597, 600
Devisavit vel non—parties to issue 1070
Final decree—dismissal as to one defendant 412
Improvements made with knowledge of defective title 597, 600
Infant defendant—guardian *an litem*—appointment—process 992
Injunction against strikers 353
Injunction against use of corporate name 1005
Judicial sales—Code, sections 3398, 3399—failure of commissioner to give bond 995
Judicial sales—resale—bond of commissioner—clerk's certificate 995
Marshalling securities—when refused 513
New parties—petition for, refused when not necessary parties 601
Objection to commissioner in chancery—when to be made 513
Parties—process 993
Parties to issue *devisavit vel non* 1070
Parties—settlement of estates—joint debtors with decedent 601
Partnership settlements—imperfect books—issue out of chancery 997
Petition by counsel for trustee for payment of fee agreed upon with trustee 977, 979
Petition to rehear—bill of review—after-discovered evidence 508
Pleading—demurrer not noticed—appeal and error 898
Receivers—officers of court—preference to existing trustees 701
Reserving decision on demurrer—decree on merits 701
Specific performance of sale of land—delay—depreciation—complete justice 115
Specific performance of parol contract for sale of land—when enforced—improvement of wife's land 708
Specific performance—indefinite contract 906
Specific performance of sale of land—joint sale—defective title of one 115
Specific performance of sale of land—vendor's title 115
Statute of limitations—time essence of right 898, 901
Subrogation—fund to indemnify sureties—rights of creditors 912
Suit to remove cloud—possession 546
Two related suits between same parties—order of trials 1070
Virtual representation—adverse interests 15
Voluntary conveyance—suit to set aside petitions by third party who furnished purchase money 908
Waiver of oath to answer 173

CHESAPEAKE & OHIO RAILWAY CO.
Public highways—repairs 913

CITY OF NORFOLK.
Police powers—milk inspection 222

CODE OF VIRGINIA.
New edition 749

PAGE

CODE OF VIRGINIA—(*Sections construed.*)

Sec. 636—tax lien 903
Sec. 821—removal of officers 557, 561
Sec. 912—county officers 999
Sec. 1215—express companies 406
Secs. 1258, 1259 as amended—fencing railroad track 881, 890
Secs. 1291, 1292—telegraph companies 65
Secs. 1347, 1360—mill acts 265
Sec. 1698—insane persons 660, 664
Sec. 1764 as amended—married women 778
Secs. 1791, 1792—warehouse receipts 148, 166
Secs. 1965, 1969 and 1990—pilot laws 395
Sec. 2227—marriage of colored persons 37
Sec. 2350—commonwealth's seal 523
Sec. 2442—compensation of trustees 19, 22
Sec. 2475 *et seq.*—mechanics' liens 369
Sec. 2485 *et seq.*—supply liens 148, 166, 179, 185, 685
Secs. 2500, 2501—registry of deeds 935
Sec. 2527—pretermitted children 278, 473, 579, 1070
Sec. 2514—wills 1065, 1068
Sec. 2544—contest of will 1070
Sec. 2548—statute of descents 747, 840
Sec. 2562—partition 419
Sec. 2729—ejectment 963, 968
Secs. 2878, 2881—partnership associations 701
Sec. 2897—libel and slander 1042
Sec. 2920—statute of limitations 575
Secs. 2920, 2922, 2933, 2936—statute of limitations 605
Sec. 2940—jurisdiction of justice of peace 241, 244
Sec. 3167—view by jury 435
Sec. 3211—notice of motion 995
Sec. 3215—jurisdiction of courts 681
Sec. 3252—insurance policies 317
Sec. 3384—pleading 1078
Secs. 3398, 3399—judicial sales 995
Sec. 3454—appeals 701
Sec. 3485—court of appeals 826
Sec. 3630—homestead exemption 361
Sec. 3978—grand jury 435
Sec. 4036 as amended—change of venue 1002
Secs. 4106, 4107 as amended—appeals from justices 653

COMMON CARRIERS.

Contracts limiting liability in Virginia 73
Contributory negligence—white persons riding in colored coach 827
Defective transfer tickets 353
Delay in transportation—proximate cause 534

COMMON CARRIERS—*Continued.* PAGE
General freight agent—contracts of shipment—validity—province of jury 923
Liability for loss of registered mail 249
Mandamus to compel carrier to furnish cars 827
Neligence—act of God—proximate cause..... 534, 670
Negligence—contributory—joint tort-feasors 250
Negligence—dominant and constituent carriers..... 1088
Negligence—strikes 569
Ticket brokers—equity jurisdiction to enjoin 671
Transfers—mistake—ejectment of passenger 198

COMPROMISE.
Requisites—consideration—effect—settlement 354

CONFLICT OF LAWS.
Foreign contracts of married women—valid where made 540
Transmission of telegrams 68
Foreign contract—remedy—law of forum 540

CONSTITUTION OF VIRGINIA.
Quorum of court of appeals—Code, sec. 3485 826
Sec. 88, art. 6 of new constitution—jurisdictional amount of court of appeals 577
Sec. 88, art. 6—construction 954, 960
Sec. 174—statute of limitations as against state 905
Sec. 190—homestead exemptions 362
Validity of new constitution 381

CONSTITUTIONAL LAW.
Act broader than title—rule of construction 909
Bible readings in public schools 353
"Confronted with witnesses"—reading testimony of deceased witness on former trial 456
Court of appeals of Virginia—quorum of court—rehearing 954
Discharge of employee because member of union 61
Disfranchisement of negroes by state constitutions 93
Due process of law and the Torrens system 85
Due process of law—decision by state court—appeal to U. S. Supreme Court 1084
Due process of law—purchasers of personal property subject to lien..... 250
Eight hour legislation 250
Eminent domain—private property for private use 123
Equal protection of the laws 1084
Fellow servant rule abolished 456
Foreign acquisitions—Hawaii 359
Homestead exemptions—$50 law 458
Impairment of obligation of contract—judgments 61
Insurance contracts—liberty to contract 754
Jefferson and Marshall—their opposing views 689
"Liberty"—meaning of in constitution of United States 619, 632

CONSTITUTIONAL LAW—*Continued.* PAGE
Liberty of contract—class legislation 925
License tax on vehicles..... 61
Limiting hours of woman's work.....61, 168
Local assessments—notice—benefits—criterion..... 908
Presumption of validity of statute..... 619
Reading Bible in public schools..... 249
Regulation of private business—police power—trading stamps—lottery 619, 632
Resident agent for foreign insurance companies..... 169
Sale of goods in bulk..... 750
Taxation—*ad valorem* tax—license tax 910
Titles to acts..... 569
Weekly payment of wages.....1005
CONSTRUCTION OF WRITTEN INSTRUMENTS.....954, 960
CONTEMPTS.
Newspaper comment—Missouri and Virginia..... 667
CONTRACTS.
Alteration of written instruments—burden of proof..... 611
Ante-agreement not to sue for breach..... 569
Consideration—naming child for promisor..... 750
Construction—case at bar—agreement for interest in minerals—coal—duration of contract 714, 720
Construction—rule of, as to guaranties 750
Construction—whole instrument considered.....714, 720
Entire contract—action thereon—anticipatory breach—damages 994
Fraudulent procurement—relief at law..... 672
Illegal contract—collateral attack 1005
Master and servant—secrets of business 62
Payment—evidence..... 168
Payment in embezzled money—right to recover back..... 353
Penalty and liquidated damages distinguished..... 727
Periodical payments—reservation of a per cent.—penalty—security..... 727
Physicians—malpractice..... 168
Sale of businesss and good will..... 456
To make certain will—remedy 460
Trading stamps—lottery—constitutional law.....619, 632
Validity—public policy 169
See "Compromise."
CONTRACTS LIMITING CARRIER'S LIABILITY IN VIRGINIA.
Paper by Wm. H. Werth..... 73
CORPORATIONS.
Admissions of general manager, secretary and treasurer—officers and agents 998
Appointment of receiver—federal jurisdiction and practice.....1012
Assignee of stock—nature of contract—statute of limitations..... 501
Conspiracy to depress stock—action—proper plaintiff..... 671

CORPORATIONS—*Continued.* PAGE
Guarantors—power of corporation to act as..... 257
Insolvent—winding up under Acts 1901, p. 326 393
Liability for libel..... 187
Principal office—jurisdiction of justice of peace 241, 244
Stock-holders' liability for calls on stock—statute of limitation..... 501
Stock subscriptions—Acts 1897-8, p. 16—equity jurisdiction—defence at law.....784, 796
Stock subscription—right to jury trial under statute—demurrer to evidence.....784, 796
Stock subscriptions—statute of frauds—verbal contract—payment deferred beyond year—enrolment as stockholder 784, 796
Stock subscriptions—suit by receiver—defense of illegal consideration.....784, 796
See "Fraternal Insurance."

CORRESPONDENCE.
Jurisdictional amount of court of appeals—Oliver B. Harvey 577
Limitation of actions on implied covenants—S. Heth Tyler 575
Sales of merchandise in bulk—G. M. Dillard..... 682
Scintilla doctrine—N. C. Manson, Jr..... 365
Statute of descents—Landon C. Bell 846
Virginia Code, sec. 3215—county or corporation in which action may be brought—part of cause of action—Jas. P. Harrison 681

COURTS.
Jurisdiction—amount in controversy..... 921
Jurisdiction—presumptions..... 992
Remedies to prevent, exceeding their powers..... 241

COUNTY OFFICERS.
Proceedings against deputies—jurisdiction of county court—indemnity bonds 999

COUNTY WARRANTS.
Act of limitations—fund to indemnify sureties—equitable assignment... 912

CRIMINAL LAW.
Accused as witness—cross-examination as to motives 435
Asssistant prosecutor employed by private parties..... 254
Burglary by domestics..... 62
Charging juries—showing bias of judge 758
Confronted with witness—reading testimony of deceased witness on former trial..... 456
Conviction on several counts—federal practice.....1005
Evidence—admissibility of private papers..... 751
Evidence—leading question..... 653
Evidence—order of introduction—rebuttal..... 435
Extradition—presence in demanding state..... 750
Federal practice—duplicity in indictment.....1084
Federal practice—rules of evidence.....1086, 1087
Forgery—different instruments..... 922

CRIMINAL LAW—*Continued.* PAGE
Forgery—practice in federal court—proof of signature....1087
Former jeopardy—discharge of jury.... 61
Grand juries—selection and qualification—Acts July, 1902.... 435
Homicide—confessions.... 355
Homicide—evidence of another similar crime....1005
Homicide—evidence—motive—preparation—malice.... 435
Homicide—fugitive killed by officer without warrant.... 249
Homicide—presumed murder of second degree—burden of proof.... 435
Instructions—refusal when jury fully instructed.... 435
Instructions—variance between indictment and proof.... 653
Instructions—weight to be given testimony of witnesses admitting perjury before grand jury.... 653
Juries—selection—statement of record—inferences by appellate court... 435
Mandamus to compel officers to prosecute offenders... 252
Omission of duty of furnishing medical attendance.... 674
Practice—Code, secs. 4106, 4107 as amended Acts 1899-1900, p. 838.... 653
Procedure—misconduct of counsel.... 751
Seduction—sufficiency of evidence—hypnotism.... 924
Self-defense—public whipping.... 249
Unlawful shooting of trespassers by watchman.... 249
Verdict—illegal evidence—harmless error.... 435
View by jury—Code, sec. 3167.... 435
Wound in one state—death in another.... 591

DAMAGES.
Insurance—abatement of damages to property.... 31
Liquidated damages and penalty distinguished.... 727
Loss of profits recoverable when.... 424
Measure of damages—sale and refusal to accept.... 199, 205
Negligence—unforeseeable accident....1078
Punitive damages—refusal by bank to honor check.... 61

DANIEL ON NEGOTIABLE INSTRUMENTS—A REPLY TO CRITICISM IN HARVARD LAW REVIEW.
Paper by Hon. John W. Daniel.... 851

DANVILLE, CITY OF.
Regulation by, of sale of liquor—charter and ordinances.... 331

DEAD BODIES.
Custody—burial.... 569

DEATH BY WRONGFUL ACT.
Damages.... 172
Infants—action for benefit of father—negligence of father—imputed negligence....891, 897
Object of statute—death of infant.... 891

DECEDENTS' ESTATES.
Chancery practice—parties in suit to settle estate—joint debtors with decedent.... 601
Decree for account of debts—statute of limitations.... 601

DECEDENTS' ESTATES—*Continued.* PAGE
Statute of limitations—Code, secs. 2920, 2933—obstructions—non-residence of administrator 605
See "Descent and Distrubutions."

DEDICATION.
Acceptance—revocation—prior deed of trust 23
How evidenced—easements—acceptance—presumption 797

DEEDS.
Acknowledgments—*lex loci* 921
Acknowledgments of married women—sufficiency of certificate..530, 533, 665
Consideration for promise to convey—naming child for promisor 750
Consideration of support—breach—equity jurisdiction—chancery practice 597, 600
Delivery to third person—right to recall—subsequent deed by grantor—notice to grantee 722
Recordation and acknowledgments 935
Uncertain description—extrinsic evidence 513

DEEDS OF TRUST.
Surplus—duty of trustee to look for other liens 748

DELINQUENT LANDS.
Acts 1899-1900, p. 1234—construction—application 545, 554
Duration of lien of state taxes—right to collect 903, 905
Notice to owner—duty of applicant 546, 554

DESCENTS AND DISTRIBUTIONS.
Advances—release of expectancy 818
Statutes of descents—case for discussion 747

DISMISSAL WITHOUT PREJUDICE.
Effect—*res judicata* and second appeal 869, 879

DRUGGISTS.
Liability to husband for sale of morphine to wife 771, 778

DUE PROCESS OF LAW AND THE TORRENS SYSTEM.
Paper by D. C. O'Flaherty 85

EDITORIAL.
Adverse possession—general neighborhood repute of ownership 644
Allowance of counsel fees agreed upon with trustee 979
Alteration of public road—discontinuance of original location 635
American Bar Association 453
Argument of instructions 825
Central Law Journal and Case and Comment 680
Chancery practice—radical measures to give relief 601
Change of method in the Register 822
Change of venue—no change 1002
Children trespassing—duty of railroads 1051
Compensation of trustees 22
Conflict of laws—transmission of telegrams 68
Constitutional law—quorum of Court of Appeals 826, 960

EDITORIAL—*Continued.* PAGE
Construction of laws—views of member of enacting body 960
Contempt—newspaper comment 667
Contracts—construction—coal as mineral—agreement for interest in minerals—abandonment—duration of contract 720
Court of Appeals—jurisdiction—amount in controversy 888
Court of Appeals—quorum 826, 960
Court of Appeals—its work—its remuneration 1081
Crowner's quest law abolished in New York 1083
Deed in consideration of support—breach by death of grantee—chancery jurisdiction and practice 600
Defective acknowledgments—Acts 1891-2, p 798 665
Delinquent land law as amended 554
Dismisal without prejudice—*res judicata* 879
Drummer—lien for wages under supply-lien act 747
Due process of law—notice to insane person 664
Duration of lien of state taxes 905
Duty of railroad to fence track 890
Education by decree of court 823
Elementary grounds of equitable jurisdiction 247
Ethics of criticism 919
Failure to print record for Court of Appeals 565
Familiar friend, A 667
Federal anti-trust act 834
Federal construction of state statutes 349
Fire insurance—waiver of conditions and forfeiture by agent 990
General Assembly of 1904 1000
Gift to mother and children 498
Giles v. *Harris* and others 166
Homestead—claim of, as against fine due United States 698
Husband's right of action for loss of service and *consortium* 778
Implied trusts—statute of limitations 21
Improvements made with knowledge of defective title 600
Index to Corporations Act 452
Ingram, John H.—appointment to bench 565
In Memoriam—Lewis G. Bell 348
Judical ethics 1003
Judges Hubbard and Hancock 914
Judges Tyler and Watson 914
Judge Welford 917
Justice Brown 747
Justice Harlan's style 359
Jurisdictional amount of Court of Appeals under new constitution 578
Leading articles—*desiderata* 565
Legislature and its work 824
Libel and slander—pleading 1047
Liberty—constitutional meaning 632
Lile, Wm. M.—retirement as Editor in Chief 55

EDITORIAL—*Continued.* PAGE
Married women's liability—Acts 1899-1900, p. 1240 545
Master's duty—safe appliances 1059
Merger cases 1081
Minor, Edmund Christian 564
Navigable waters 680
Negligence and contributory negligence 897
New circuit court system 916
New edition of Code 749
New legislation 915
Nisi prius decisions 567
Northern Securities case 56
Notaries public 665
Opinion in *Geil v. Geil* 533, 664
Our Exchanges 822
Part of cause of action—jurisdiction 681
Pennsylvania libel act 165
Pleading—actions in tort and *ex contractu*—bill of particulars or demurrer 205
Pleading the statute of limitations 901
Pollard's Annotated Code 60, 665
Preferences in bankruptcy 14
Publication of libel 193
Railroad's duty to children trespassing 1051
Railroad's duty to trespassers on track 745
Railroad's duty to trespassers on track—burden of proof of negligence. 783
Sales of merchandise in bulk 683
Salutatory 55
Scintilla rule again 245
Sheriff as chief conservator of peace 561
Staples, Prof. A. P 823
Statute of descents 747
Statutory revision 60
Sufficiency of possession in ejectment against intruder without title 968
Supply and labor liens 185
Supply lien and warehouse receipt 166
Swayne impeachment 1082
Taking the case from the jury 246
Taylor, George Keith 452
Tillman case, The 567
To our subscribers 914
Torrens system of land transfers 58, 918, 1001
Trial by newspaper 350
Trust deeds—surplus 748
Uniform legislation 68
Unpaid stock subscription—action to recover—Acts 1897-8, p 16 796
Virginia State Bar Association 454
Wills—meaning of word "servants" 816

EDITORIAL—*Continued.* PAGE
Wills—signature.....1068
Year's work.....1080

EASEMENTS.
How dedicated—evidence—presumption 797

EJECTMENT.
Description of premises in declaration 964
Equitable estoppel no defense..... 23
Patent embracing excepted lands—junior patent—burden of proof..... 523
Plaintiff's title—trespasser.....963, 968
Sufficiency of possession against intruder without title.....963, 968

EMINENT DOMAIN.
Evidence of value—offers to purchase—record on appeal—damages to adjacent property—instructions 829
Increased damages for increased right of way..... 921
Internal improvement companies..... 123
Private property for private use—constitutional law—public use..... 123
Temporary user..... 456
The Virginia Mill Acts—Code, secs. 1347 *et seq*..... 265

EMPLOYER'S LIABILITY INSURANCE.
Right to control litigation in name of other party.....1085

ESTOPPEL.
Equitable estoppel as defense in ejectment—notice..... 23
Estopped to plead statute of limitations.....1084

EVIDENCE.
Copies of land grants—absence of seal—Code, sec. 2350..... 523
Depositions—retaking, when allowed—Code, sec. 3364..... 644
Deposition in chancery suit—subsequent action involving different issues..... 784
Examination of witness—impeachment—rehabilitation..... 194
Expert evidence—matters not within common knowledge.....1053
Expert evidence—stopping street cars..... 325
Individual or corporate liability—failure to comply with corporation law..... 830
Order of examination—discretion of court—appeal and error..... 228
Parol evidence—deed absolute on face—mortgage 138
Registration of surgeon as evidence of competency 906
Telephone communications.....1019
See "Criminal Law."

EXECUTIONS.
Death of plaintiff—effect..... 828
Issuance—collateral attack..... 947
See "Judgments."

EXTRADITION.
Presence in demanding state..... 750

FEDERAL ANTI-TRUST ACT.
Violation of—criterions—interstate commerce..... 833

FEDERAL COURTS. PAGE
Appeal from state court to U. S. Supreme Court....1084
Charging juries.... 758
Injunction against refusal of registrars to allow negro to vote.... 93
Injunction to stay proceedings in state court.... 922
Jurisdiction of circuit court—practice on appeal.... 93
Officers—indictment by state court—jurisdiction and practice.....1089
Practice—*amicus curae*—leave to file briefs.... 828
Practice in criminal cases—conviction on several counts.... 1005
Practice in criminal cases—indictment—duplicity.....1084
Practice in criminal cases—rules of evidence.....1086, 1087
Rule of construction of state statutes.... 349
Suit between states on estate bonds—parties.....1006

FIRE INSURANCE.
Disclosure of title to general agent—forfeiture—estoppel.....981, 990
Double insurance—prorating.... 354
Forfeiture—waiver—waiver of conditions—policy as notice.... 981, 990
Gasoline—temporary use.... 62
No application—encumbrance—waiver.... 402
Sole ownership—deed of trust.... 402
Statutes prohibiting combinations—constitutional law.... 754

FRATERNAL INSURANCE.
Amendment of laws—right to amend reserved.....1010
Certificates—incontestable clause—construction—estoppel—what constitutes loss of good standing—suicide.... 752

FRAUD.
False representations—essentials—inducement—subsequent representations.... 784
Mis-statement as to title—effect of owner's silence.... 462

GIFTS CAUSA MORTIS.
Conditions—"If I die," etc.... 234
Delivery to third person.... 234
Essentials of.... 234
Transfer of title—how gift revoked or defeated.... 234

GOVERNMENTAL OWNERSHIP OVER LANDS UNDER TIDE-WATERS.... 572

GUARDIAN AD LITEM
Appointment—process—memorandum—pleadings.... 992

GUARDIAN AND WARD.
Removal of ward from one state to another.... 62

GUARANTOR AND GUARANTEE.
Construction—rule of.... 750
Corporations as guarantors.... 257

HOMESTEAD EXEMPTION.
Bankruptcy.... 362
Claim of, as against fine due United States.....694, 698
Constitutionality of fifty dollar exemption.... 458

HOMESTEAD EXEMPTION—*Continued.* PAGE
House-holder—who is, and may be—residence 363
New constitution 361
Payment of debts by heir—rights of widow 133
Various rulings as to 361, 362, 363

HUSBAND AND WIFE.
Abandonment of right to divorce as consideration for contract 570
Fraud—presumption in contest between wife and creditors of husband .. 508
Husband's right of action against druggist for sale of morphine to wife 771, 778
Husband's right of action for loss of service and *consortium* 778
See "Marriage and Divorce."

IMPLIED COVENANTS.
Statute of limitations 575

INDEPENDENT CONTRACTOR.
Definition—when a shield to employer 42

INFANTS.
Pretermitted children—Code, sec. 2527 ..... 473, 579
Pretermitted children—provision for child 278
See "Adopted Children."

IN MEMORIAM.
Lewis G. Bell 348

INN-KEEPERS.
Rights of guests—trespass by servant—admissions 1009

INSANE PERSONS.
Appointment of committee—necessity of notice to insane party—due process of law—Code, sec. 1698 ..... 660, 664

INSURANCE.
Resident agents for foreign insurance companies—constitutional law 169
See "Fraternal Insurance," "Fire Insurance," "Life Insurance," "Marine Insurance." Employer's Liability Insurance."

INTERSTATE COMMERCE.
Municipal regulation of rate of speed 569
Power of states—Code of Virginia, sec. 1215 406

INTOXICATING LIQUORS.
Regulating traffic—police power—supervision of courts 331

IN VACATION 72, 175, 263, 367, 471, 850, 934

JEFFERSON AND CHIEF JUSTICE MARSHALL 689

JOINT TORT-FEASORS.
Contribution among wrong-doers 1017
Effect of settlement with one 921
Indemnity—*res judicata*—obstructing streets 41
Liability—case at bar 750
Release of one 827

JUDICIAL SALES.
What constitutes 115

JUDGMENTS. PAGE
Collateral attack—adoption of child—probate of will....1070
Collateral attack by infant after coming of age.... 992
Death of defendant before judgment—effect on judgment.... 601
Death of plaintiff in execution after execution issued.... 828
Death of plaintiff—revival by defendant....864, 867
Docketing and indexing.... 947
Docketing—notice—city carved out of county.... 998
Garnishees—sending claim out of state.... 569
Impairment of obligation of—constitutional law.... 61
Improvements by purchaser with unrecorded deed—notice.... 947
Infant defendants—guardian *ad litem*—process—collateral attack by infant.... 992
Lien of, on lands acquired by railroad.... 947
Liens—interest of judgment debtor—rights of third persons—lien for purchase money.... 907
Purchaser of land—parol contract—imperfect equitable title.... 947
Purchaser with unrecorded deed—Code, sec. 2472—judgment creditor.. 947

JURISDICTIONAL AMOUNT OF COURT OF APPEALS UNDER NEW CONSTITUTION.
Paper by Oliver B. Harvey.... 577

JURISDICTION OF COURTS.
Code, sec. 3215—part of cause of action.... 681

JUSTICE OF PEACE.
Jurisdiction under Code, sec. 2940....241, 244
Remedy against, when exceeding his jurisdiction....241, 244

LACHES.
Delay in prosecuting suit.... 997

LANDLORD AND TENANT.
Independent contractor.... 456
Notice to quit—sufficiency—estoppel.... 389

LEGAL TITLE IN CASE OF SATISFIED TRUST IN VIRGINIA.
Paper by Gordon Paxton.... 1

LIBEL AND SLANDER.
Clergyman entering name of reputed father of bastard on baptismal record.... 61
Evidence—relevancy—publication.... 187
Imputing crime—insulting words—tending to disgrace—construction of words....1042, 1047
Innuendo—office of....1042, 1047
Instructions—compensatory damages.... 457
Instructions—stating complete case—substitution.... 187
Liability of corporation—publication by agent.... 187
Pleading—declaration—common law and statutory.... 187
Privileged communications.... 456
Publication—dictation to stenographer....187, 193

LIBEL AND SLANDER—*Continued.* PAGE
Publication of libel 349
Special damages—necessity of allegation 1005

LIFE INSURANCE.
Verbal assignment of policy 169
See "Fraternal Insurance."

LIENS.
See "Judgments."
See "Supply and Labor Liens," "Mechanics' Lien."

LIMITATION OF ACTIONS ON IMPLIED COVENANTS.
Paper by S. Heth Tyler 577

LIMITATION OF ESTATES.
Contingent and vested remainders in wills 279
Devise for life with power to appoint remainder 488
Devise to trustee for use of "A and his family" 488, 498
Legal title in case of satisfied trusts in Virginia 1
Motive of gift to mother and children 488, 498

MANDAMUS.
Compelling officers to prosecute 252
Compelling state authorities to return photographs, etc., of prisoner afterwards acquitted 570

MARKET QUOTATIONS.
Property in 750

MARINE INSURANCE.
Conditions and restrictive provisions—Code, sec. 3252 317
Stress of weather—proximate cause—collision 317

MARRIAGE AND DIVORCE.
Alimony—wife more to blame 994
Conflict of laws—validity of judgment 169
Cruelty—suit by husband 994
Decree by fraud—finality 457
Evidence—opinions 994
Statutory marriage of colored persons—abandonment of intention 37

MARRIED WOMEN.
Act of 1899-1900, p. 1240 666
Acknowledgment to deed—certificate—sufficiency 530, 533, 665
Annulment for fraud—disease of husband—subsequent recovery 1084
Foreign contract of—valid where made 540
Husband's right to recover for torts against wife 778
Personal liability—Acts 1899-1900, p. 1240—pleading 540, 545

MASTER AND SERVANT.
Concurring negligence 429
Constitutionality of law abolishing fellow servant rule 457
Contracts—secrets of business—rival manufacturer 62
Risks incident to employment—crew of yard engine 205

MASTER AND SERVANT — *Continued.* PAGE
Safe appliances—construction—complicated machinery—unskilled servant 1053, 1059
Safe instrumentalities—choice of methods 1053, 1059
Safe machinery—inspection—latent defects—province of jury 912
Safe machinery—railroads—choice of appliances 429
Safe place to work—dangers not to be anticipated 992
Safe place to work—failure to provide fire-escapes 1015
Safe place to work—incident risks 205, 906, 1053, 1059
Safe place to work—nature of master's duty 172
Safe place to work—negligence of servant 593
Surgeon employed by master—liability for incompetency 906

MECHANICS' LIENS IN VIRGINIA.
Paper by John Garland Pollard 369

MECHANICS' LIENS.
Enforcement—statute of limitations—demurrer 898, 901
Law of (in Virginia) and amendments, discussed and construed 369

MILL ACTS, THE.
Paper by Abram Staples 265

MINERAL RIGHTS.
Coal as mineral—intention of parties 71 4,720

MINING AND MANUFACTURING COMPANIES.
Supply liens 685

MINOR, EDMUND CHRISTIAN.
In memoriam 564

MISCELLANY.
Another view of "act of God" and proximate cause 676
Automobiles—degree of care required of operator 255
Bar examination at Richmond, January 8, 1904 836
Charging juries in Federal courts 758
Compensation of assistant prosecutor by private parties 254
Contribution among wrongdoers 1017
Corporations as guarantors 257
Dangerous premises—danger of assault 1092
Death damages 172
First Virginia State Bar Association 1018
Influencing jury by asking inadmissible questions 757
Master's duty to keep safe the working place 172
Navigable waters 677
"Qualified" martial law 929
Risk of injury from absence of fire escape 1015
Shall judges wear gowns? 1094
Telegraph penalty statutes 65
Telephone communications—evidence 1019
Uniform legislation 68
Waiver of oath to answer in equity 173

PAGE

MODIFICATION OF SUPPLY-LIEN ACT AS AGAINST MINING AND MANUFACTURING COMPANIES 685

MORISON, HON. H. S. K.
Sketch of (with portrait) by H. J. Ayers 763

MORTGAGES.
Conditional sale 138
Deed absolute on face—parol evidence 138
Released by mistake—reinstatement 63
Validity—evidence 63

MOTIONS UNDER CODE, SEC. 3211.
Notice—need not state that defendant resides in county 784
Notice—requisites—how time calculated 995

MUNICIPAL CORPORATIONS.
Charter authority for erection of buildings 169
City drain or ditch as natural water course 210
Defective streets—right to use—contributory negligence 864, 867
Easements—acceptance of dedication—liability for maintenance of culvert dedicated and accepted 797
License tax—business, occupation or profession—penalty 994
Local assessments--notice--benefits—criterion—Acts 1899-1900, p. 1147. 908
Maintenance of bicycle paths 168
Nuisance in street—failure to abate 210
Pest house—liability for disease contracted from unlawful location 249
Police powers—milk inspection—validity and effect of ordinances 222
Police power—supervisory jurisdiction of court 331
Private sewer—nuisance—liability for failure to abate denied 210
Reasonable ordinances—supervisory power of courts 331
Regulation of speed of trains engaged in interstate commerce 569
Sewers—maintenance—estoppel—contributory negligence 797
Sewers—power to acquire, outside of its streets 797
Streets—dedication—acceptance—*ultra vires* act 913
Street obstructions—action by city for indemnity 41
Streets—power and duty to control 913
Surface water—drains and ditches along street—degree of care 210
Surface waters—failure to provide sewers 210
Taxation—*ad valorem*—license tax—constitutional law 911

NATIONAL BANKS.
Insolvency—double liability of stockholders—transfer of shares 1085
Liability as partners 828
Usury 921
Usury—federal and state statutes 922

NAVIGABLE WATERS.
Definition—public rights 677, 680
Obstruction—act of Congress 170

NEGLIGENCE. PAGE
Act of God—proximate cause....534, 676
Additional precautions afterwards as admissions.... 168
Aggravation of injury—failure to obtain medical assistance....1005
Automobiles—degree of care.... 255
Boy stealing ride on freight car....1048, 1051
Bridge on private road – defects—warnings—notice to owner's servants —servant's authority.... 993
Burden of proof—proof required....780, 1078
Carriers—contributory negligence—joint tort feasors.... 250
Children trespassers....1048, 1051
Children—turntables.... 249
Concurrent negligence of plaintiff and defendant—general rule....807, 1078
Concurring negligence—master and servant.... 429
Contributory — father's negligence — action by father for death of child....891, 897
Contributory—knowledge of negligent practice.... 170
Contributory—knowledge of defects in highway.... 832
Contributory—standing too near edge of platform....1060
Contributory—use of known defective street....864, 867
Dangerous premises—places of amusement....1092
Destruction of property wrongfully on defendant's land.... 31
Explosives—children of tender years.... 750
Father's negligence—action by father for death of child—imputed negligence....891, 897
Fire escapes—failure of master to provide....1015
Independent contractor—when a shield to employer.... 42
Joint wrong-doers.... 797
Landlord and tenant—liability to third persons.... 921
Ordinary care defined....1053
Operating during strike.... 569
Pleading—how negligence charged 969
Plaintiff's negligence no bar unless contributory.... 31
Proof required—probability....1079
Proximate cause—case at bar.... 168
Proximate cause—contributory negligence—exception to general rule.. 807
Proximate cause—pest house—liability of city.... 249
Railroad's duty to trespassers on track—discovery of danger—failure to prevent injury....734, 745
Safe appliances—choice of appliances.... 429
Street railways—stopping and starting cars—alighting—contributory negligence.... 996
Unforeseeable accident....1078

NEGOTIABLE INSTRUMENTS.
Author's reply to review of Daniel on Negotiable Instruments.... 851
Notice of protest.... 923
See "Bills and Notes."

PAGE

NEWPORT NEWS.
Fees of police justice ... 909

NEWSPAPERS, TRIAL BY ... 350

NORFOLK CITY.
Powers of taxation ... 911

NOTARIES PUBLIC
Acts 1901-2, p. 147 ... 665

NOTICE.
Validity of notice sent by telegraph ... 921

NUISANCES.
Effect of judgment for abatement ... 62
Lawful act done in lawful way—railroads noises—smoke ... 969

OFFICIAL BONDS.
Construction ... 63

PARENT AND CHILD.
Action by father for wrongful death of infant—negligence—imputed neligence ... 891, 897
Personal injury to minor child—right to damages ... 927
See "Adopted Children."

PARTITION.
Life tenant—suit against remaindermen ... 992
Possession by surviving husband—suit by heir—substitute for ejectment ... 708

PARTNERSHIP.
Settlement of accounts—imperfect books—chancery practice ... 997

PARTNERSHIP ASSOCIATIONS.
Capital defined—property input—Code, sec. 2878 ... 701
Failure to comply with statute—liability of members ... 701
Remedy of creditors—Code, sec. 2881 cumulative ... 701

PERSONAL REPRESENTATIVES.
Accounting—debt due representative by distributee—how credited ... 910
Accounting—interest on interest ... 910
Discharge—how effected ... 356
Domestic and foreign administrators—payments to ... 753
Ex parte settlements—evidence—presumptions ... 997
Report and account—evidence—right to appoint auditor—investments—administration of trust ... 1008

PILOT LAWS.
Code, secs. 1965 and 1969, and U. S. Rev. Statutes, sec. 4237 ... 395
State's power—Code, sec. 1990 ... 395

PLEADING AT LAW.
Actions *ex contractu*—in tort—bill of particulars—demurrer ... 199, 205
Action for damages—contract for sale of land—defective title ... 869
Bill of particulars—when filed—object—defects ... 199, 205

PLEADING AT LAW—*Continued.* PAGE

Damages as set off—burden of proof 424
Declaration in ejectment—description of premises 963
Executory sale of goods—refusal to accept—re-sale—notice—averment in declaration 199, 205
Immaterial discrepancies in declaration—demurrer—amendment ... 199, 205
Joinder of causes of action 969
Libel—declaration—common law and statutory 187
Libel—declaration—imputing crime—tending to disgrace 1042, 1047
Married women—Acts 1899-1900, p. 1240 ..... 540, 545
Negligence—how charged 969
Sufficiency of allegations of negligence 170
Torts, joint and several—misjoinder—demurrer—motion to abate 910
Variance—amendment—Code, sec. 3384 1079
Variance—parol testimony to vary written contract 1078

PRACTICE AT LAW.

Commencement of actions 356
Continuances—discretion of court 912
Demurrer to evidence—Acts 1897-1998, p. 16—action to recover unpaid stock subscription 784, 796
Examination of witnesses—asking improper question to affect jury 840
Influencing jury by asking incompetent questions 757
Instructions—abstract propositions of law 996
Instructions—argument of 825
Instructions—construction of written instruments 797
Instructions—copy of, in personal injury case against street railway ... 228
Instructions—different theories of case—evidence to support 807
Instructions—evidence to support 389, 797, 1048
Instructions—evidence to support objection 199
Instructions—fully instructed 996
Instructions ignoring evidence on one side 31
Instruction in libel case—stating complete case—substitution 187
Instructions—peremptory where evidence insufficient to sustain verdict .. 1035
Instructions—read as a whole—erroneous expressions 210
Instructions—refusal—sufficiently instructed 199
Instructions—scintilla rule 245, 365, 1035
Interlocutory order—failure to enter—demurrer to evidence 170
Jury—province of—latent defects in machinery 912
Misconduct of counsel in trial 1085
Motion for non-suit 246
Trial—discretion of court—illustration before jury of impaired physical condition of plaintiff 1007
Taking the case from the jury 246
Venue—change of—Code, sec. 4036 1002

PRINCIPAL AND AGENT.

Duty to disclose—constructive fraud 751

PRINCIPAL AND SURETY. PAGE
Alteration of note 574

PROHIBITION.
Office of writ 999

PUBLIC HIGHWAYS.
Defects in—knowledge of, contributory negligence 831
Roads—alteration—discontinuance of original location 632, 635
Roads—evidence of establishment—burden of proof 532

RAILROADS.
Branch roads—consent of stockholders to construction—Acts 1897-8, p. 172 907
Children trespassing—duty of company 1048, 1051
Children—turntables 249
Collision—negligence—safe machinery—fellow servant rule 429
Duty to trespasser on track—danger discovered—duty to prevent injury 734, 745
Duty to trespassers on track—negligence—burden of proof 780, 783
Eminent domain—supervision by courts—private use—legislative function 907
Fencing track—compensation for fence—right of third person to sue 881, 890
Fencing track—police regulation—failure to fence—who may sue for injury to stock 881, 890
Fires—negligence—insurance as abatement of damages 31
Judgment liens on lands acquired by railroads 947
Negligence—boy stealing ride on freight car 1048, 1051
Negligence—how charged 969
Nuisances—noise—smoke—lawful act done in lawful way 969
Public use—attaching trust—state regulation of franchises 907
Risks incident to employment—crew of yard engine 205
See "Common Carriers," "Negligence," "Corporations."

RECEIVERS.
Actions against—state and federal courts 672
Appointment—appeal and error—who appointed 701
Collusive appointment—liability of colluding creditor 250

RECORDATION AND ACKNOWLEDGMENTS.
Paper by John Garland Pollard 935

RES JUDICATA.
Decrees—collateral attack—limitation of actions 998
Dismissal without prejudice 546, 869, 879
Entire contract—several actions 994
Identity of subject matter 517
Successive suits between same parties 499
Two suits between same parties 41

RIPARIAN RIGHTS.
Island in navigable river 62

SALES. PAGE
Goods in bulk—Acts 1902-3, p. 518 682
Goods in bulk—constitutional law 750
Goods not specified—attempt to defraud 199
Goods not specified—when title passes 199
Refusal to accept—remedy—measure of damages—notice 199
Warranties—third persons 456
See "Judicial Sales."

SALES OF MERCHANDISE IN BULK.
Paper by G. M. Dillard 682

SCINTILLA DOCTRINE.
Paper by N. C. Manson, Jr 365
Practice at law—instructions 245, 1035

SHERIFFS.
Duties as chief conservator of the peace 561
Riot—call for troops—discretion—removal for gross neglect 557, 561

SIR FREDERICK POLLOCK.
Comments on Bar Associations meeting in Virginia 839

STARE DECISIS.
Application of principle 574

STAPLES, PROF. A. P.
Election to Law Faculty of Washington and Lee 823

STATUTES.
Construction—practical construction in case of doubt 523
Construction—prospective operation 605
Construction—retro-active effect—Acts 1899-1900, p. 1234 ..... 546, 553
Construction—title of act 569
Construction—valid in part, void in part 331
Construction—views of members of enacting body 954, 960
Cure of unconstitutional, by amendment 569
Presumption of validity 619

STATUTE OF DESCENTS.
Descent in certain case—Code, sec. 2548 ..... 747, 846

STATUTE OF FRAUDS.
Contracts to be performed within a year—verbal stock subscription. 784, 796

STATUTE OF LIMITATIONS.
Calls on stock—action by company or creditor—Acts 1897-8, p. 16 501
Commencement of action 356
Covenants in deed—acceptance by grantee without signing 412
Debt barred—specific lien preserved 61
Debts charged on land by will 998
Debt due by decedents—obstructions—non-residence of administrator Code, secs 2920-2933 605
Decrees against executor in favor of legatees 998
Decree for account in creditor's bill 998
Decree for account of debts—decedent's estates 601

STATUTE OF LIMITATIONS—*Continued.* PAGE
Estoppel to plead statute 1084
Implied covenants—Code, sec. 2920 575
Implied trusts—running of statute 15, 21
Mechanics' lien—pleading 898, 901
New promise in writing—pleading 605
Pleading—time essence of right—defence, how made 898, 901
Suspension—time to be computed 501
Vested rights—repeal of statute 605

STATUTORY SUPPLY AND LABOR LIENS.
Paper by Leon Goodman 177

STREET RAILWAYS.
Alighting from car—contributory negligence 996
Duty to passengers—stopping points—sudden startings 996
Expert evidence—stopping street cars 325
Fellow servant doctrine applicable to 827
Frightened horses—negligence—province of jury 40
Negligence in starting car—degree of care 228
Negligence—province of jury—verdict 996
Passengers—person intending to enter standing car—negligence 228
Persons on track—care—collision—frightened horses 46
Tresspassers on track—duty to 325

SUBSEQUENT BIRTH OF CHILDREN AS REVOCATION OF WILL.
Paper by Marvin H. Altizer 473, 579

SUGGESTED CHANGES IN PRACTICE 1035

SUITS BETWEEN STATES.
Suit by state on another state's bonds—jurisdiction of federal court 1006

SUPPLY AND LABOR LIENS.
Code, sec. 2485—conflict with sec. 1791-2—warehouse receipts 144, 166
Drummers' lien for wages 747
History, effect and construction of Virginia law 177, 185
Modifications as against mining and manufacturing companies 685

TAYLOR, GEORGE KEITH
In memoriam 452

TAXES AND TAXATION.
Municipal corporations—*ad valorem* tax—license tax 911
Waiver by state as purchaser—claims of heirs and creditors 133

TELEGRAPH AND TELEPHONE COMPANIES.
Delivery to other than addressee 62
Penalty statutes—mental anguish 65

TELEPHONE COMMUNICATIONS.
Law concerning 1019

TORRENS SYSTEM OF LAND TRANSFERS 58, 85, 918, 1001

TORTS.
Contribution among wrong-doers 1017
Destruction of one's own building—unsightly premises—negligence 969

TRESPASSER. PAGE
Injury from unintentional though negligent act..... 168

TRIAL OF GUITEAU.....1023

TRUSTS AND MONOPOLIES.
Federal anti-trust act..... 833
Illegal combinations— restraint of trade..... 827
Northern Securities case..... 56, 1081

TRUSTS AND TRUSTEES.
Duty and compensation of trustees.....15, 21
Employment of counsel—right to counsel fees agreed.....977, 979
Implied trusts—statute of limitations.....15, 21
Legal title in case of satisfied trust in Virginia..... 1
Liability of fiduciary for interest on trust funds mingled with his own.. 823
Liquidating trustees—duties—remedy against..... 701
Trust funds—disbursements—deposit with preferred creditor.....1078

UNIFORM LEGISLATION..... 68

USURY.
Amount of penalty to be recovered—application of payments..... 996
National banks—federal and state statutes.....921-922

VENDOR AND VENDEE.
Contract for sale—defective title—affirmance—action for damages—allegation and proof..... 869
Contract for sale—defective title—remedies of purchaser..... 869
Improvements made by one with knowledge of defective title.....597, 600
Joint purchasers—misappropriation of funds—indemnity..... 419
Misstatement as to title—vendor's silence..... 462
Purchaser under parol agreement—possession and improvements..... 513
Vendor's lien—application of insurance money..... 63
What title vendor bound to make..... 115

VIRGINIA STATE BAR ASSOCIATION.
Fifteenth annual meeting..... 454
Virginia Law Society 1018

VIRGINIA CODE, SEC. 3215—PART OF CAUSE OF ACTION.
Paper by James P. Harrison..... 681

WAREHOUSE RECEIPT.
Nature and effect of..... 144, 166

WATER AND WATER RIGHTS.
Easement of drainage—successive grants from common grantor..... 910
Natural water course—city drain or ditch..... 210
Percolating waters..... 358
Running water—title to—lapse of time—original channel..... 644
Superior and inferior tenement—change of distribution 910

WHARVES AND DOCKS.
Liability for safety of..... 922

WILLS. PAGE
Code, secs. 2544, 2527 and 2614a—adopted child and subsequent will—right of next of kin to contest.....1070
Contract to make..... 460
Construction—case at bar..... 615
Construction—"children"—"wife and family"..... 615
Construction—contingent remainders—"heirs at law"—pretermitted children..... 278
Construction—devise absolutely—subsequent clause creating remainder 827
Construction—intent of testator—common and technical words..... 278
Construction—meaning of word "servants".....812, 816
Construction—words of survivorship—doubtful meaning—vested remainders..... 278
Debts charged on land—equitable liens—limitation of actions..... 998
Devisavit vel non—parties to issue.....1070
Devise for life with power to appoint remainder..... 488
Devise to trustee for use of "A and his family".....488, 498
Pretermitted children.....278, 473, 579, 1070
Proceeds of lands condemned under eminent domain..... 63
Signature.....1065, 1068
Subsequent birth of children as revocation—Code, sec. 2527..... 473, 579
Testamentary capacity—attending physician—subscribing witnesses..... 310

WITNESSES.
Impeachment—rehabilitation—time of examination..... 194

WOUND IN ONE STATE, DEATH IN ANOTHER.
Paper by Raleigh C. Minor..... 591